

### **Remarks**

Claims 1-16 are pending in the application. Applicant would like to thank Examiner for allowing Claims 1-12. Applicant has amended Claim 12 to correct an improper multiple dependency. Claim 14 has been incorporated into Claim 13 and Claim 16 has been incorporated into Claim 15. Consequently, Claims 14 and 16 have been cancelled.

### **§112 Rejections**

I. *Claims 13-16 were rejected under 35 USC §112, 2<sup>nd</sup> paragraph as being indefinite.*

Applicant respectfully requests reconsideration of this rejection based on the amendments of Claims 13 and 15, as well as the following arguments. Claims 14 and 16 have been incorporated into Claims 13 and 15, respectively.

First, Examiner rejected Claims 13 and 14 based on the argument that “compounds have synergistic effects and one cannot mix any and every compound in the same category.” There is no requirement that a composition containing a novel compound exhibit synergistic effects. Synergy is irrelevant with respect to indefiniteness. §112, 2<sup>nd</sup> paragraph simply states that an Applicant is required to conclude their specification with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his/her invention. Applicant respectfully submits that combination claims have long been recognized as legitimate claims. Even though Applicant disagrees that Claim 13 as originally submitted is not indefinite. To expedite the prosecution of this case, Applicant incorporated the specific classes of agents that could be combined with the compounds of the present invention from Claim 14 into Claim 13. Those skilled in the art are well aware of compounds that would fall within the definition of these specific classes of agents. In addition, Applicant provided numerous examples of agents falling within each of the classes in the specification from page 19, line 18 through page 24, line 7. Applicant has clearly demonstrated what she regards as her invention

and the classes of agents listed in the amended claim 13 are unambiguous and well-known to those skilled in the art.

Second, Examiner Claim 15 as being a mechanism claim which provides improper reach through. Again, the USPTO has recognized mechanism claims for many years. To expedite the prosecution of this case, Applicant incorporated the specific diseases known to be modulated by NPY-5 receptor antagonists from Claim 16 into Claim 15. Examiner goes on to assert that drugs do not have an umbrella efficacy to treat various diseases. Granted there is not a drug that cures all; however, it is not uncommon for drugs to have multiple therapeutic effects. NPY-5 receptor antagonists have been shown extensively in the literature to provide beneficial effects for those diseases listed in Applicant's specification on page 24, lines 8 –19 and page 26, line 15 through page 33, line 11. See also the references cited in the two IDS statements submitted earlier by Applicant. Clearly, Applicant has demonstrated what she regards as her invention and the classes of diseases listed in the amended claim 15 are unambiguous and well-known to those skilled in the art to be modulated by NPY-5 receptor antagonists.

In conclusion, Applicant respectfully submits that the rejections raised in the office action have been addressed and requests a timely notice of allowance of Claims 1-13 and 15.

Respectfully Submitted:

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